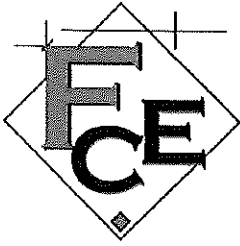


TO: Mayor Brian Tipton and Township Committee Members **VIA EMAIL ONLY**
FROM: Michael S. Finelli, P.E., P.P., C.M.E.
DATE: February 3, 2023
RE: **Harmony Township Engineer's Report for the February 7, 2023 Committee Meeting**
FCE No. HAWM260R2

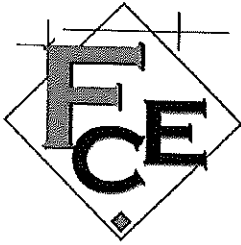
HARMONY SAND AND GRAVEL QUARRY PERMIT

- Please refer to prior Engineering reports for 2017, 2018, 2019 & 2020 permit application summaries.
- HS&G's 2021 Quarrying License Application has been received by this office and the Township via email, dated January 26, 2021, from LAN Associates. As of the date of this report we have not had the opportunity to perform a Site Inspection of the Front Pit or complete the review of the application. Based upon a conversation with K. Campbell, Esq. the applicant has noticed for the hearing to commence at the February 2, 2021 Committee meeting. We have no objection to the applicant beginning their testimony with the hearing to be continued at the March 2, 2021 meeting.
- Our office has reviewed the 2021 Quarry License Application and has provided our report under separate cover to the Committee.
- The Committee approved HS&G's 2021 Quarry License at their March 2, 2021 meeting. The memorializing Resolution should be scheduled for adoption at the April 6, 2021 Committee meeting.
- The memorializing Resolution approving the 2021 Quarry License is scheduled for adoption at the May 4, 2021 Committee meeting.
- We have received a September 21, 2021 email from R. Panicucci seeking permission to begin construction of the proposed relocated Haul Road. Plans for the new Haul Road were submitted in 2020 in conjunction with their annual Mining Application. A preliminary review of these plans was provided in our May 29, 2020 letter to the Committee. There are two (2) issues which we wish to discuss with the Committee prior to this work commencing. The first is whether the Committee has the authority to approve the plans for the relocated Haul Road as part of the Quarry License process without any other Township approvals. The second is whether there are any legal issues with the construction of the proposed new Haul Road as it will result in the removal of the existing Haul Road. The Committee will recall that there was litigation between HS&G and Star D Farm over the ownership of the existing Haul Road and rights to the sand and gravel beneath the Haul Road. Our office will be conducting a final review of the plans and required other agency permits prior to permitting the construction to begin.
- Based on an October 26, 2021 conversation with K. Campbell, we are in agreement that the Committee can authorize the construction of the new Haul Road and removal of a portion of the old Haul Road without any input from the Land Use Board. It was also noted in our conversation



that it will be incumbent upon HS&G to abide by all provisions of the settlement of the Haul Road litigation. We anticipate scheduling a pre-construction meeting with HS&G and R. Panicucci and the Upper Delaware SCD prior to the start of the work.

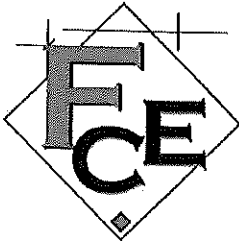
- Construction of the new Haul Road has commenced. The work is being inspected by our inspection staff on an as needed basis. Good progress is being made by Earth Efficient on the restoration of the side slopes within Pit 2. Based upon our inspection on November 30, 2021 a significant portion of the slopes along the Buckhorn Creek side of the pit have been “flattened” to what appear to be 3:1 slopes and topsoil has been placed in certain areas. As-built plans will need to be provided by HS&G prior to our final acceptance of the restoration. It appears that the northern side of Pit 2, which parallels Roxburg Station Road, still needs the slopes to be “flattened”. It is also noted that that soundings and as-built cross sections will need to be provided for the underwater slopes prior to our acceptance of the work.
- Please be advised that the applicant recently submitted their annual quarry permit application for 2022. We received the information on January 26, 2022. We obviously did not have sufficient time to develop our review and issue our report in advance of the February 1, 2022 Committee Meeting.
- Our review of HS&G’s 2022 quarrying application, dated February 25, 2022 was submitted to the Committee in advance of the March meeting. Note that we have also submitted a March 28, 2022 letter to the Committee, for its files, which includes documents from Earth Efficient confirming the sources of the imported fill used in the reclamation of Hartung Pit 2 and test results confirming that the material meets NJDEP standards for “clean fill”.
- The Committee at its April 5, 2022 meeting approved HS&G’s 2022 quarrying permit with conditions. A resolution, prepared by both this office and K. Campbell, Esq., was adopted by the Committee at its May 3, 2022 meeting.
- Based upon potential environmental concerns expressed by S. Gruenberg, Esq., the applicant has agreed to perform Soils testing for Pit #2. We have spoken with S. Wilhelm, Esq., and R. Panicucci, P.E., regarding progress on the environmental testing which was agreed to be conducted by HS&G within Pit 2. They are in the process of selecting an environmental consultant. We will be coordinating with their consultant on the proposed scope of the work and the testing that will be required.
- Based upon a July 5, 2022 email from R. Panicucci, P.E., HS&G is retaining RMS Environmental to conduct the additional environmental investigation required by the Committee within Pit #2. We are awaiting a proposed scope of work from RMS for our review and approval.
- Our office received an environmental testing proposal for Pit 2 from RMS Environmental by email on July 25, 2022. Gene Weber forwarded the RMS proposal and scope of testing to the Township Committee via e-mail, on August 3, 2022. Our office is currently reviewing the proposed testing and will provide our recommendations under separate cover.



- Our office prepared an August 17, 2022 letter to LAN Associates with comments on the RMS Environmental testing proposal. Copies were provided to the Committee. We are awaiting receipt of a revised proposal for our final review and approval prior to the commencement of testing.
- There has been recent activity and progress made at the site relative to areas which needed to be re-graded to achieve the 3:1 maximum slope.
- The Township has received a December 15, 2022 letter from LAN Associates in response to FCE's August 17, 2022 comment letter regarding the environmental testing proposal received from RMS Environmental, dated July 8, 2022 relating to Pit 2. Our office is in the process of drafting a response to the LAN letter for the Township's consideration.
- **Our office, under separate cover, will provide a letter to the Committee recommending approval of the LAN Associates/RMS Environmental testing proposal for the imported fill in Pit 2 subject to RMS submitting a final version of the proposal incorporating the recommendations in LAN Associates December 15, 2022 letter.**
- **HS&G's 2023 Quarrying / Mine License Renewal Application was received on February 2, 2023. Based upon the date of receipt of said application, this matter will not be able to be heard at the February 7, 2023 Committee Meeting. The Hearing on the 2023 Application will be heard at the March 7, 2023 Committee Meeting.**

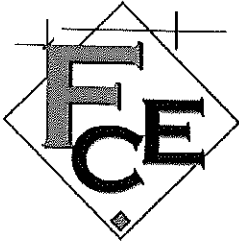
SHANDOR'S USED AUTO PARTS / JUNKYARD LICENSE

- Our office has received a copy of the 2020 Junkyard application on March 16, 2020. Under separate cover, our review of the application will be provided to the Committee for consideration at the April 7, 2020 Committee meeting. It is noted that the application does not clearly identify who is the applicant and the names of the owners along with the consent of all owner's (both lots). We believe these matters need to be clarified prior to proceeding. The advice of Attorney Campbell should be sought.
- The Committee took no action on the 2020 permit at its April 7, 2020 meeting. The matter was carried to the May 5, 2020 meeting. A copy of our April 3, 2020 review of the 2020 license application has been submitted to the Committee for consideration. It is noted that the Committee did ask K. Campbell to contact NJDEP to obtain information on outstanding NJDEP violations on these properties.
- Action on the 2020 license was tabled at the June 2, 2020 TC meeting based upon the recent passing of Mr. & Mrs. Shandor.
- Refer to K. Campbell's July 25, 2020 memo to the Committee. The applicant has been advised that the Shandor estate needs to be probated to clarify ownership of the junkyard prior to the Committee approving the 2020 license.
- A 3rd Zoning Violation was issued by Joe Rossi on October 22, 2020 for operation of the junkyard without a license. The junkyard's license was revoked by the Committee last year for failure of the junkyard to provide correct information on the owner of the land and owners of the entity



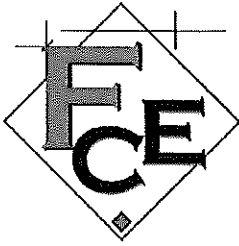
operating the junkyard. The matter is scheduled for Municipal Court hearing on February 4, 2021. In addition, we received from K. Campbell a copy of a January 15, 2021 Consent Order and Settlement Agreement requiring the owners to bring the site into compliance with applicable NJDEP rules.

- March 4, 2021 was the most recent court appearance on the zoning complaint. During the hearing, the applicant's attorney, William Mandry, Esq, stated that the applicant would be submitting a new application for the 2021 Junkyard Permit. A Junkyard License application was received at the Township on March 8, 2021. It appears that the Junkyard has been conveyed through the Estate of Joseph Shandor to Jeffery Riddle. I will be discussing the review of this "new" application with Attorney Campbell.
- The judge granted a continuation for the hearing to April 15, 2021.
- The Junkyard License was conditionally approved by the Committee at its April 6, 2021 meeting. Based upon our inspection on April 28, 2021 the condition requiring that abandoned vehicles be removed from the adjoining field has not been satisfied. The Riddle's should be notified by the Clerk of the issue. The 2021 License should be withheld until the condition is satisfied. The most recent court hearing on this matter was held on April 15, 2021. No action was taken as Attorney Mandry did not appear before the court with no explanation to the court. The municipal court hearing for operating the junkyard without a license since 2020 has been continued to May 6, 2021.
- Abandoned vehicles in the adjoining field have been removed by the applicant so the 2021 Junkyard License should be provided to the applicant by the Clerk if not already released. The Municipal Court action for operating a junkyard without a license has been adjudicated with the Court finding the owner guilty with the issuance of a fine.
- We have received Shandor's 2022 Junkyard License Application. A copy of our review report will be provided under separate cover in advance of the April 5, 2022 Committee meeting.
- No action was taken on the 2022 Junkyard License at the April 5, 2022 Committee meeting. As suggested by the Committee, K. Campbell, Esq. sent an April 14, 2022 letter to J. Riddle requiring that he address the comments in FCE's April 4, 2022 review letter prior to the application being considered for approval. As of the date of this report, no additional information has been received from Mr. Riddle.
- Comments from our April 4, 2022 letter have been addressed. The approval Resolution has been provided to the Committee for adoption at the June 7, 2022 Committee meeting. In addition, the Committee at its May 3, 2022 meeting suggested that the Junkyard ordinance should be amended to include a requirement for escrow fees.
- Our office did a site inspection of the property on June 3, 2022 and found that no cars were located outside of the fence in the field area.
- **Shandor's 2023 Junkyard License application has not been received as of February 3, 2023.**



FOX FARM ROAD, SECTION 2 (2021 NJDOT Grant Project)
(No change since last month's report)

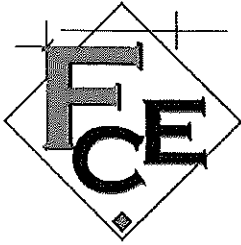
- The Township was notified by the State that they received a grant in the amount of \$136,700 for the resurfacing of Fox Farm Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. FCE is presently evaluating a modification to the scope of the work (shorten the length roadway to be resurfaced) and will provide a revised budget amount to the Township.
- The snow covering the existing Guide Rail has forced a delay in the modification to the Initial Budget Memo, but we are hoping to provide the Committee a revised Budget memo in advance of the 3/2/21 TC Meeting under separate cover.
- FCE has scheduled the field survey work and will begin to develop the initial documents for submission to DOT.
- The Field survey work has been completed and we are now proceeding with the design phase of the project. Per prior discussions and the subsequent approval from the Twp. Committee, this section of Fox Farm Rd. is longer (almost 1.5 Miles) than "conventional" DOT Grant projects. This will obviously have a direct impact on the total costs of the project (as outlined in our Jan. Memo to the Committee).
- Plans, Specifications and Engineers estimate was submitted to NJDOT on August 4, 2021. NJDOT has reviewed our submittal and we may proceed with award to Morris County Cooperative Pricing council.
- The Morris County Cooperative Pricing Council paving contractor is not able to schedule the resurfacing of Fox Farm Road for this year. The NJDOT approvals are in place, and we will be in position to have this project started in the Spring of 2022.
- A new resolution of award has been sent to the Township to reflect the new 2022 Morris County Cooperative Pricing Council bid prices so this project can proceed as soon as the weather allows.
- NJDOT has given the Township approval to Start construction. FCE has spoken with the DPW and the paving contractor to schedule paving for the end of April, beginning of May.
- Paving was completed on April 26th and 27th. The Guiderail contractor is scheduled for May 9, 2022, and the striping contractor has been contacted, but we do not have a scheduled date from them yet.
- Guiderail and striping have been completed. Coring has been requested but as of the date of this report, we do not have a confirmed schedule for same. Final inspection from DOT has also been requested.



- Coring was completed, there was a 0.5% penalty assessed to the contractor for failure on the air voids. DOT completed the final inspection and has accepted the project. Final close out documents have been sent to the Township for signatures.
- Final close out documents have been sent to DOT for final payment and completion of the project.
- DOT received final closeout documents but cannot finalize until receipt of an original CFO certification.
- DOT has received all final closeout documents for this project. It is our understanding that the Township has not yet received the final payment of the Grant.

Ridge Road Section 2 (2022 NJDOT Grant Project)

- The Township was notified by the State that they received a grant in the amount of \$131,600 for the resurfacing of Ridge Road Section 2.
- A Budget Memo was sent to the Township which showed a significant shortfall for this work. A shortened section of Ridge Road was also presented in the budget memo for the Township to evaluate and discuss. Obviously, Kathleen will need to be involved in these discussions from an overall budgeting perspective for 2022.
- Based upon the Budget Memo referenced above, it is our understanding that the Township is evaluating some options for proceeding with this project. The Township will need to advise our office regarding how they would like to proceed with this project for 2022 based upon the fairly significant shortfall of Grant monies (\$131,600.00 vs. the estimated cost of the project).
- The Township has decided to proceed with the full length of roadway. FCE is in the process of surveying the road and creating the base mapping.
- FCE has completed the field survey work and is in the process of developing the base mapping for the project.
- Base mapping has been created, however in response to the Asphalt Price adjustment and Fuel price adjustment FCE is waiting for confirmation on the limits of work.
- As per the escalated costs associated with projects of this type which were evident in conjunction with the Fox Farm Road, Section 2 project, the TWP. Committee has decided not to proceed with Ridge Road, Section 2 this year. We will continue to monitor the cost increases and advise the Committee accordingly.
- FCE is in the process of preparing the bid documents for receipt of bids associated with the pipework portion of the project for potential construction over the winter months
- FCE has completed the plans for the pipework and will be meeting with the DPW to review the project before requesting bids.



- FCE has requested and received 3 bids for the pipework. All 3 bids have come in well over the bid threshold. We have attached the 3 proposals and associated estimates to this report. Based upon the fact that we do not have an estimate under the bid threshold, the project will need to be publicly bid.
- FCE has put out “to Bid” the drainage work which was previously out “for quotes”, but needed to be Bid as it did not fall under the Bid threshold. Twelve contractors picked up the Bid and the Bid Opening occurred on February 2. A recommendation letter will be forwarded to the Township, under separate cover. Hopefully, we will be in a position to award the contract at the February 7, 2023 Committee Meeting.

Ridge Road Section 3 (2023 NJDOT Grant Project)

- The Township was notified by the State that they received a grant in the amount of \$160,630 for the resurfacing of Ridge Road, Section 3. A Budget Memo was prepared and discussed at the December 6th, 2022 TC meeting. No action was taken at the December 6th meeting. With the total of both State grants (\$292,230.) for Sections 2 and 3 and input from Kathleen, the Township authorized our office to proceed with both Sections 2 & 3 at the January 10, 2023 meeting. We will continue to keep the Township apprised as we move forward with this project.

- Walking Paths/Disc Golf at the Municipal Recreation Facility

(No change since last month’s report)

- The Township and our office had a meeting on November 29, 2022 to discuss moving forward with the walking paths and a Disc golf course at the municipal recreation facility. The Disc golf representatives will be “laying-out” the course within the next few weeks. FCE will survey the site in the area of the proposed walking path and the Disc golf course. The Township will discuss the possibility of applying for a grant through the Local Recreation Improvements Grant from DCA SAGE for this work. From the survey data FCE will be able to evaluate the potential for ADA compliant paths and challenge paths along with the Disc golf course.
- The application has been started in DCA SAGE for the request of funds for outdoor gym and playground equipment. Several forms and a resolution of support for the project have been sent to Kelley for her execution.
- All of the field survey work has been completed by our office. We are presently preparing the existing conditions plan and project base map.

MS4 Municipal Separate Storm Sewer System General Permit

(No change since last month’s report)

- The Township received a July 1, 2022 letter from NJDEP indicating that the Township is being reassigned as a Tier A Municipality. It is currently and has been a Tier B. The letter explains that the main reason for the change is the level of pollutants which are found to be present within many of the streams and waterways within the Township. It is our understanding that all Tier B Townships within the County and many around the State are being upgraded to Tier A. The upgrade imposes more responsibilities on the Township to conform to its NJDEP General

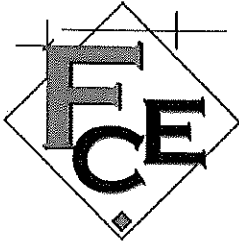


Stormwater Permit, including, but not limited to, additional responsibilities for the DPW, preparation of Township wide storm sewer outfall maps, preparation of a Stormwater Pollution Prevention Plan (SPPP), etc. At this point we are not certain whether this decision can be appealed. We will continue to monitor the “situation” and keep you informed. For your information and interest, please take note that all of the Municipalities we represent in Warren County that were originally designated as Tier B, have all been upgraded to Tier A.

- On August 24th, Gene Weber and I attended a virtual meeting hosted by the NJDEP for the Township MS4 Tier B Reassignment. Further instructions, schedule, and Grant availability will be provided to the Township in the near future. We will continue to advise the Township as the Reassignment process moves forward.
- A copy of the Township’s 2023 MS4 General Stormwater Permit was received from NJDEP last week. The permit, effective January 1, 2023, has re-assigned Harmony Township as a Tier A municipality. Our office will be preparing a memo to the Committee summarizing changes from the previous 2018 Tier B Permit and documenting additional responsibilities placed upon the Township.

Zoning Ordinance (Solar) Amendment

- At the request of the Committee our office has prepared an amendment to the Zoning Ordinance, Chapter 165, to include Solar Production Systems as permitted uses within Industrial Zoning districts to conform with provisions in the Municipal Land Use Law (re: N.J.S.A. 40:55-66.11) which were enacted in 2009. A copy of the suggested zoning ordinance amendment will be provided to the Committee under separate cover.
- An email was received on September 12, 2022 from Kelley Smith with comments from the Fire Chief which he is suggesting be included in the ordinance revision. We have amended the ordinance to include the additional design standards recommended by the Fire Chief. A copy of the amended draft ordinance can be found as an attachment to this report.
- The Committee directed the Clerk to forward a copy of draft ordinance to the Land Use Board for review.
- The draft Zoning Ordinance Amendment was reviewed and approved by the Land Use Board. The Committee should schedule the ordinance for first reading in early 2023, possibly at the January 2023 meeting.
- First reading of the Zoning Ordinance Amendment (solar facilities) is scheduled for the January 10, 2023 Committee meeting.
- **Second reading and adoption of the Zoning Ordinance Amendment for solar facilities is scheduled for the February 7, 2023 Committee meeting.**



Flood Damage Prevention Ordinance Amendment

- The Township received an August 19, 2022 letter from NJDEP requiring that in order to continue participation in the National Flood Insurance Program (NFIP) the Township's current Flood Damage Prevention Ordinance (Chapter 94) needs to be amended to meet more stringent controls for construction within flood hazard areas. This is being required nationwide. A model ordinance was provided which needs to be adapted for Harmony Township. We have prepared the new ordinance entitled "Floodplain Management" which will replace Chapter 94. A copy of the ordinance can be found as an attachment to this report.
- We have prepared a draft of the new Floodplain Management Ordinance for review by the Committee. Copies have been submitted under separate cover.
- The draft Floodplain Management Ordinance was discussed with the Committee at the November 1, 2022 meeting. Revisions suggested by the Committee were made and the revised ordinance was sent to NJDEP on November 23, 2022 for their review and comment. On November 30, 2022, a review letter on our draft Ordinance was received. It was received with "track changes" which should make it fairly simple to update. Similar to the Solar Zoning Ordinance, this updated Flood Plain Management Ordinance should be scheduled for first reading at the January TC meeting.
- The Floodplain Management Ordinance has been approved by NJDEP for introduction. We have provided a copy of the approved Ordinance to Kelley which should be scheduled for first reading at the January 10, 2023 Committee meeting allowing for second reading and adoption at the February 7th TC meeting. The deadline established by the DEP for this Ordinance is February 15th, 2023.
- **The Floodplain Management Ordinance is scheduled for second reading and adoption at the February 7, 2023 Committee meeting. After adoption, the final ordinance signed by the Clerk is required to be submitted to NJDEP Division of Dam Safety and Flood Engineering for their files.**

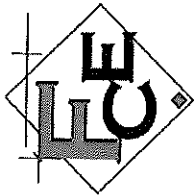
Demeter Road Drainage Issue

- Our office received a phone call during the week of 12.19.22 from John Chismar regarding continuing drainage and icing problems on Demeter Road. We looked at this situation in 2018. We are sending via email a copy of our March 19, 2018 Memo to the Committee and a copy of Katrina Campbell's March 5, 2018 letter to Mr. Cestone, the owner of the property where the runoff is emanating. I will be available to discuss this matter in further detail at the January 10, 2023 Committee meeting.
- **Attorney Bykov sent a letter, dated January 23, 2023, to Matt Cestone requiring that he correct a drainage problem on his property (Block 14, Lot 1) at 38 Demeter Road which is causing surface runoff to be discharged onto the pavement of Demeter Road. Mr. Cestone called our office in response to the letter to discuss the issue. He explained that in 2018 he received a construction code permit and removed an underground oil storage tank at the rear of his home that was no longer being used and in connection with that work, the existing 4" roof drain piping from rear downspouts on his home were replaced in kind with the**



discharge end of the pipe being moved approximately 20 feet from its previous location. The discharge location is approximately 75 feet from Demeter Road. He further indicated that the drainage issues began when the adjoining owner, Peggy Doebbling (located in White Township) began making modifications to her driveway and grading to divert water from her property. The icing problems really lie within White Township most likely caused by insufficient crown in the roadway and lack of a drainage ditch along the road. We spoke to Paul Sterbenz, P.E., White Township Engineer, regarding this matter and he indicated that the White Township DPW has not received any recent complaints and currently, White Township, has no plans for any improvements to their section of Demeter Road. He also indicated that the modifications to the Doebbling driveway were done without any permit. Based upon all of this information it is our opinion that no improvements should be required of Mr. Cestone.

cc: Kelley Smith, Clerk, via email only
Kathleen Reinalda, CFO, via email only
Randy Hoffman, DPW, via email only
Igor Bykov, Esq., via email only



FINELLI CONSULTING ENGINEERS, INC.
HARMONY TOWNSHIP
ZONING OFFICER LOG
January 1, 2023 – February 2, 2023

DATE	NAME	LOCATION	DESCRIPTION
1.04.23	Larry Smith	39 Swamp Road Block 26, Lot 16	Court hearing 1.5.23 - Ordered to clean up debris in yard. Smith to meet w. M. Finelli on-site. Next court date 2.02.23.
1.04.23	Sprint / T-Mobile	318 Garrison Road Block 38, Lot 1	T-Mobile filed application with the LU Board to overturn Zoning Permit denial.
2.02.23	Larry Smith	39 Swamp Road Block 26, Lot 16	Court hearing 2.2.23 – Violation dismissed. Property has been significantly improved and cleaned up.
2.02.23	Donald Quick	798 Marble Hill Rd. Block 33 Lot 17	Court hearing 2.2.23 – Will attempt to clean-up front “debris.” Adjourned to 3/16, Quick to call/ coordinate with FCE
2.02.23	Shelly Ackerman	4 Grist Mill Rd. Block 9 Lot 2.01	Court hearing 2.2.23 – Ackerman to clean up excessive debris on property. Adjourned to 3/16, Ackerman to call FCE.